

Alameda – San Joaquin Regional Rail Working Group
Meeting of October 11, 2017

STAFF REPORT

Item 6

ACTION

BART to Livermore Draft Environmental Impact Report (DEIR)

Recommendation:

It is recommended that the Alameda – San Joaquin Regional Rail Working Group submit comments on the Bay Area Rapid Transit (BART) DEIR in support of the Assembly Bill (AB) 758 mandate to develop and deliver cost-effective and community responsive transit connectivity between BART and ACE in the Tri-Valley, with a key focus on urging BART to:

- Support the decision-making process of the Tri-Valley – San Joaquin Regional Rail Authority, as identified in AB758, and expeditiously advance the proposed BART extension within the context of inter-regional connectivity – consistent with the goals and objectives of this Authority when formed;
- Advance alternative design concepts that avoid significant right-of-way displacements and significant environmental impacts;
- Respond to the issues and concerns of local Working Group member jurisdictions: fully address environmental impacts and commit to implement mitigation measures to fully address them;
- Advance the BART Bay Fair Connector Project and an operating plan to accommodate a “one-seat-ride” to Southern Alameda County and the South Bay;
- Seek to significantly reduce project capital costs to improve the project cost-effectiveness and viability of the proposed BART to Livermore Extension Project; and
- Provide evidence that impacts of out-of-District BART expansion on core BART service in the Tri-Valley have been fully mitigated per the terms of the Comprehensive Agreement between the Valley Transit Authority (VTA) and BART.

Background

The passage of Assembly Bill 758 by State legislators last month is a game changing breakthrough in the now decades long effort to extend passenger rail service to Livermore. The bill, now awaiting the Governor’s approval, responds to the growing urgent need to address burgeoning congestion levels in the Tri-Valley, by closing the missing rail gap between the BART and ACE rail systems in the I-580 corridor. When approved, it will establish the Tri-Valley – San Joaquin Valley Regional Rail Authority for purposes of planning, developing and delivering cost-effective and community responsive transit connectivity between BART and ACE in the Tri-Valley. An important element of the bill is a requirement to complete a project feasibility report no later than July 1, 2019 that identifies the project, a funding plan and schedule for project implementation and delivery. This effort will include the consideration of all viable rail connectivity options including the BART to Livermore project as identified in the DEIR now

under consideration. The bill gives authority to the BART Board of Directors, however, to approve or deny an extension of the BART system if it is recommended in the project feasibility report.

Completion of the DRAFT Environmental Impact Report (DEIR) for the BART to Livermore Extension Project is a key milestone in a very long and protracted environmental review process that to-date spans nearly a decade. Scoping for the Program EIR (PEIR) was conducted in 2007, followed by the 2009 Draft PEIR and subsequent 2010 adoption of a Final PEIR. Scoping for the current project-level EIR began in 2012, and while a Spring of 2018 completion is anticipated, it should be noted that a subsequent federal-level Environmental Impact Statement is planned with a completion date of 2020. It is also important to note that the PEIR preferred alternative adopted by the BART Board in 2010, is still in place and is inconsistent with adopted City of Livermore plans and policies. This BART adopted PEIR alternative would extend BART along I-580 from the existing Dublin/Pleasanton Station to I-580/Isabel Avenue and then extend along Portola Avenue to downtown Livermore and Vasco Road.

The proposed project identified in the DEIR, which is also referred to as the Conventional BART Project, would extend existing BART service approximately 5.5 miles east from the existing Dublin/Pleasanton BART Station within and adjacent to the Interstate (I-) 580 right-of-way through the Cities of Dublin and Pleasanton, to a proposed new terminus station located at the Isabel Avenue/I-580 interchange in the City of Livermore. A new parking facility would be constructed at the new Isabel Station and a new BART storage and maintenance facility would be constructed beyond the Isabel Station, north of I-580. In addition to a No Project Alternative, the DEIR also considers three Build Alternatives: A Diesel Multiple Unit/Electric Multiple Unit (DMU/EMU) Alternative, an Express Bus/Bus Rapid Transit (BRT) Alternative and an Enhanced Bus Alternative. There are no alternatives in this DEIR that would extend rail beyond Isabel Avenue/I-580 for an inter-connection to ACE. The DEIR estimates that construction of the Proposed Project and Build Alternatives could begin in 2021 and would last approximately 5 years through 2026.

The San Joaquin Regional Rail Commission (SJRRRC), examined the feasibility of a number of alternatives to connect BART to ACE, as part of the ACEForward environmental review process that is currently underway. These alternatives included options to extend ACE to a BART terminus in the Tri-Valley – at Greenville, Isabel or the existing Dublin/Pleasanton Station. Further study looked at the feasibility of extending an EMU/DMU rail line from West Tracy along the County-owned railroad rights-of-way in the Altamont Pass to a BART terminus in the Tri-Valley at one of these potential intermodal locations. A yard/shop site for this line is tentatively identified in the vicinity of Tracy – not the Tri-Valley location of EMU/DMU yard/shop that is identified in the BART DEIR. It is anticipated that this alternative will be studied further as the new AB758 mandated authority advances further study for the required project feasibility report.

Key Issues

There are many issues, questions and concerns regarding information presented in the BART DEIR, but a primary concern for the Working Group should be that the proposed five-mile extension of the BART system to Isabel Avenue in Livermore does not address full mobility needs in the I-580 corridor – it has not been planned within the context of inter-regional connectivity and there is no consideration for a direct BART rail link to ACE in Livermore. The design, location and cost of the proposed BART Storage and Maintenance Facility are also a significant concern. In addition, the BART Bay Fair Connector Project and operating plan for a one-seat ride from the Tri-Valley to Santa Clara County has not been included. Extremely high capital cost estimates and the need to address core system impacts from the extension into Santa Clara County are also a critical consideration.

Following is a summary of key issues to be addressed in the comment letter. The letter will include, but not be limited to these comments, questions and concerns.

BART Storage and Maintenance Facility

Scope and Design: The storage and maintenance facility is out of scale with the 36 vehicle capacity requirements of a one-station, 5-mile extension. The DEIR states that BART conducted an operations analysis to determine BART vehicle fleet and storage needs to effectively operate the Proposed Project – determining the need for a yard providing storage for approximately 172 cars. It then added a maintenance facility to meet the needs of not only the proposed Project but the entire Daly City-Dublin/Pleasanton Line. The result is a proposed 68-acre storage and maintenance facility to meet BART system-wide needs. The DEIR also states that the Proposed BART project cost estimate includes 25% of the cost of the proposed storage and maintenance facility. This represents an unacceptable premise as the total cost should be attributed to the BART system and not the project.

Location: The proposed storage and maintenance facility is located 1.9 miles from the main track on land zoned for agricultural uses. In total this facility will encompass approximately 100 acres plus it will require environmental mitigation on a 1 to 3 ratio –and this will roughly come to a total of approximately 400 acres. In addition, the storage and maintenance facility will require bridges over Arroyo Las Positas and Cayetano creeks as well as an approximately 450-foot-long, 20-foot high hillside tunnel for the trackway and a 2-lane access road from Campus Drive to the facility. Some grading of the existing hill slopes would also be required. The DEIR finds that there are a multitude of special status wildlife and plant species with potential to occur in the study area of the site and creeks and arroyos on site serve as active movement corridors for large mammals and other wildlife crossings. From both a cost as well as environmental perspective, it would seem that a viable alternative would be to extend the track eastward towards Greenville Road, in proximity to ACE, and where a more suitable site may be available.

Land Use Designation: The proposed facility would be located on unincorporated county land with a current land use designation of “Large Parcel Agriculture,” with a small northerly portion of the site designated as “Resource Management.” The Zoning Designation is “Agriculture.” This land consists of open grasslands with intermittent cattle grazing, with some agricultural

production uses. The DEIR notes that the facility would be consistent with the types of uses conditionally allowed in the Agricultural District zoning designation – however, the DEIR also notes that BART is not subject to local land use plans, policies and ordinances per California Government Code Sections 53090 and 53091. The conversion of agriculturally zoned land to non-agricultural uses is identified in the DEIR as a significant and unavoidable impact – even with the implementation of mitigation that would preserve it through easements or other protection on a 1 to 1 ratio. The DEIR does not appear to address how the facility will impact neighboring agricultural uses through its potential 24-hour operation. It does, however, identify that there would be significant unmitigated light and glare impacts from the facility. These impacts on neighboring sites should be identified and must be mitigated.

EMU/DMU Connection to Dublin/Pleasanton Station

The design of the EMU/DMU connection to the Dublin/Pleasanton Station has significant right-of-way impacts on the City of Dublin Corporation Yard and the Alameda County Fire facilities. The design also eliminates 110 parking spaces at the auto dealerships as well as an additional 105 parking spaces at other commercial sites. The auto dealerships have noted that this impact is significant to the viability of their operations. Alternative concepts for this EMU/DMU connection have been developed by AECOM Engineers, part of the ACEForward consulting team. These alternative concepts will avoid potential impacts on properties and displacements of parking and it is recommended that these design concepts be submitted to BART with the DEIR comment letter. The preferred concept is one in which the EMU/DMU platform is shifted to the east side of the Dublin/Pleasanton BART station – allowing the westbound I-580 freeway lanes to return to the existing alignment near the freeway median sooner and eliminating all displacements in this area.

Bay Fair Connector Project

The proposed BART project in the DEIR is described as an extension of the existing Daly City Line – and the impact methodology in the Transportation section of the DEIR appears to indicate that this operating assumption was used to forecast ridership. It does not appear that alternative operating scenarios were considered. Although this operating scenario may be part of the forecasting model used for the ridership analysis, it does not appear that there has been an opportunity for the public to have adequate opportunity to review and comment on this policy decision – nor does it seem that it is an adopted policy. The BART Bay Fair Connector Project, as approved by Alameda County voters in Measure BB, would provide the opportunity for a direct “one-seat-ride” from the Tri-Valley to Southern Alameda and Santa Clara County. BART staff has indicated that there are two other existing BART lines running in that corridor and there is inadequate capacity to add another line – but without an analysis of options, it is unclear if those two lines are in fact the most appropriate two lines to run. The BART Bay Fair Connector was promised to the Alameda County voters in Measure BB and must be advanced along with an operating plan that allows for a direct “one-seat-ride” from the Tri-Valley to the South Bay.

Capital Cost Estimates

The capital costs estimate for the one-station 5.5-mile BART extension is estimated to be \$1.635 billion (estimated to mid-point of construction). The one-station DMU alternative in the DEIR is estimated to be \$1.599 billion. It should be noted that for the EMU/DMU project developed as part of the ACEForward project – extending from West Tracy through the Altamont Pass to the existing BART terminus at the West Dublin/Pleasanton Station - preliminary cost estimates are approximately \$1.4 to \$1.6 billion. We must insist that BART take a closer look at all of the project elements attributed to the project and prove that they are solely attributable to this one-station extension. We must also take a closer look at project soft costs and contingencies that have been factored into the overall cost and seek an independent review of estimated project soft costs (44%) and additional contingencies (28%) and reserves (19%) to determine if they are comparable to industry standards and practice.

There may be numerous areas in which a reduction in project costs may be made. One area of consideration should be the \$112 million cost that is included for the storage/maintenance facility as it should not necessarily be assigned to the extension. In addition, the DEIR identifies the need for a rolling stock fleet size of 36 BART cars in order to accommodate increased ridership on the system and this number appears to be excessive and presented without adequate explanation. Further, it appears that the need for the proposed new tail track west of the Dublin/Pleasanton Station should also be re-evaluated.

Core System Impacts

The Comprehensive Agreement Between VTA and BART in connection with the proposed Santa Clara County BART Extension outlines specific terms regarding the VTA obligation to mitigate core system modifications. This concerns all investments in core system facilities that are needed to support and maintain the expansion into Silicon Valley. The project's impact on existing parking in East Alameda County, however, is of particular concern. VTA completed a Core System Impact Study in 2003 and a Core Stations Modification Study in 2011. This previous analysis indicated that Eastern Alameda County (Castro Valley, West Dublin & Dublin/Pleasanton Stations) would be areas of high parking demand for individuals wanting to ride BART to and from Santa Clara County. The potential for a total of 600 – 750 new parking spaces was identified for Eastern Alameda County to mitigate the impacts of Silicon Valley BART expansion in this area of the core system. Although the Phase 1 project is nearly complete, to-date there does not appear to be a commitment in place to mitigate parking displacement in Eastern Alameda County. It is of further concern that impacts identified in the previous studies were based on 2003 and 2011 BART ridership levels. These ridership numbers have increased significantly and in addition, planning for the Phase 2 project is now being advanced. BART must provide evidence that out-of-District BART expansion on core service in the Tri-Valley has been fully mitigated.

Inter-Regional Connectivity

The formation of the Tri-Valley – San Joaquin Regional Rail Authority presents an unprecedented opportunity to comprehensively plan for inter-regional rail connectivity in the I-

580 corridor. The proposed BART extension may be an important element of this rail solution and the BART Board must move expeditiously to advance this project within the context of interregional connectivity. We must also urge BART to support the goals and objectives of the new Authority when formed. The primary goal is the delivery of cost-effective and responsive rail transit connectivity between BART and ACE in the Tri-Valley while meeting the goals and objectives of the communities it will serve.

Next Steps

The public comment period on the DEIR opened on July 31, 2017 and will close on October 16, 2017 at 5:00 p.m. Submittal of comments and concerns by the Working Group at this time are of critical importance as it will require BART to respond to our questions and concerns in the Final EIR. When the Final EIR is released, it is anticipated that the Tri-Valley – San Joaquin Valley Regional Rail Authority will be in place and may choose to complete an additional review and provide comments on the FEIR and proposed action.